

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 11/4/2010

THURSDAY, October 7, 2010, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Abraham and Commissioners: Clow, Collins, Harpootlian, and Partridge.

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; and Victoria Ortland, Planning Secretary.

2. PRESENTATIONS FROM THE FLOOR - None

3. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Harpootlian had met the applicant and neighbor's housekeeper (Item 3.3); Commissioner Clow had met the applicant (Item 3.1) and neighbors (Item 3.3); Commissioner Collins had met the applicant and a neighbor (Item 3.3); Commissioner Partridge had met the applicants (Item 3.1) and the applicant and neighbors (Item 3.3); Chairman Abraham had met with the applicants, architect, and a neighbor (Item 3.3).

- 3.1 LANDS OF BUDGE, 24175 Dawnridge Drive; File #97-10-ZP-SD-GD; A request for a Site Development Permit for a new 5,706 square foot two story residence with a 2,883 square foot basement/bunker, 800 square foot swimming pool, and 315 square foot accessory building. CEQA Review: Categorical Exemption per Section 15303 (a) (Staff-Brian Froelich).

Brian Froelich presented the staff report for the proposed two story residence with a partial basement, bunker, and swimming pool. The one acre parcel on Dawnridge Drive has a nine percent down slope. Three easements exist on the property: a 30 foot access easement, a 20 foot wide sanitary sewer easement, and a triangular driveway easement for a neighboring property. The ten heritage oak trees on the site will be preserved. A unique design feature of the home includes two skylights proposed for the bunker, each four feet high by four feet wide in size and located outside the footprint of the building.

Commissioner Collins asked the purpose of the bunker skylights.

Staff replied that the skylights would provide light and ventilation.

Commissioner Clow inquired about the allowable size for light wells in basements.

Staff explained that light wells installed in basements compliant with the Basement Ordinance, had no width limitations and were counted as Development Area.

Commissioner Collins requested clarification on staff's recommendation of approval regarding the skylights for the bunker.

Staff replied that the Municipal Code analysis for the bunker with skylights included the definitions of floor area, building, and bunker. Review of all three sections lead to the staff recommendations.

Commissioner Clow thought the proposed skylights were inconsistent with the Municipal Code.

Commissioner Harpootlian felt the area of the skylights should be counted as floor area.

OPENED PUBLIC HEARING

Peter Duxbury, architect, said the skylights allowed natural light into the basement areas and the design qualified as a bunker. The color pallet for the new residence will be comprised of earth tones.

Clyde Noel, Dawnridge Drive, said it was possible that the increased traffic and large construction vehicles could cause damage to the private road and driveways. The dust in the air and dirt on the road caused by the construction would be a nuisance. He wanted Dawnridge Drive to be a public road.

Teratum Lowchareonkul, Dawnridge Drive was concerned about adverse road conditions during construction, hours allowed for work, excessive noise, and the use of his driveway by construction vehicles.

CLOSED PUBLIC HEARING

Commissioner Partridge thought the skylights should be considered floor area and approval would be setting a precedent.

Commissioner Collins felt that the skylights couldn't be considered as bunkers and should be counted as floor area.

Commissioner Clow said the skylights were floor area because they did not fit the bunker definition. He thought a design modification where the skylights would be below grade could be considered.

Commissioner Harpootlian felt the skylights should be counted as floor area. He informed the audience that the landscape screening would be addressed at a later time.

Chairman Abraham thought the skylights did not qualify as a bunker as defined by ordinance.

OPENED PUBLIC HEARING

Peter Duxbury offered to withdraw the skylight areas from the plan and requested that the Planning Commission approve the application with that revision.

CLOSED PUBLIC HEARING

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Partridge and seconded by Commissioner Harpootlian to approve the requested Site Development Permit subject to the recommended conditions of approval with an additional condition stating that the bunker area not be daylighted, be below ground, and meet the definition of the Basement Ordinance.

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None

This item will be continued to a future Planning Commission meeting.

- 3.2 LANDS OF CUE, 26491 Ascension Drive; File #122-10-ZP-SD; A request for a Site Development Permit for a landscape screening plan and an additional Grading Policy exception of 6" of cut to the previously approved 7' of cut for the yard areas. Review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report. The landscape screening plan, for the previously approved new residence, required review by the Planning Commission per the conditions of approval. A Grading Policy exception was also requested with the application for 6" of cut, in addition to the 7' cut previously approved for the yard area. The cut for the backyard is requested to allow compliance with California Building Code. Two heritage oak trees had been removed prior to the new residence submittal; the new residence conditions of approval required replacement of the oaks with 48" box oaks at a five to one ratio. Proposed to replace the two heritage oak trees, were five 84" box olive trees, two 40" box oak trees, one 36' oak tree, and one 24" oak tree.

OPENED PUBLIC HEARING

Tom Klope, Landscape Architect, explained that the proposed landscape screening plan met the criteria discussed at the Planning Commission meeting in June of 2008, including the 15 foot maximum height for the plant material along the north side of the property. The adjacent neighbor, Vince Zunino, maintains a pumpkin patch at that location and the amount of shade created by plantings on the applicant's property has and continues to be a concern. To address this need and to assure that the planting remains at 15 feet in height, the applicant offered to substitute the Carolina cherry trees with red photinia shrubs and the English laurel along the pumpkin patch with compact Carolina cherry. To maintain privacy for the new residence, screening at 15' high is necessary. An acacia tree and a Monterey pine tree were requested to be

removed and replaced with two oak trees. He felt that planting the ten replacement oak trees would make the site overcrowded as the trees matured.

Jeff Lea, Civil Engineer, said that the additional cut for the rear yard is requested as a safety factor for the new residence. The initial design, done by another engineer, left him with concern over catastrophic storm situations, seismic sloshing from the pool, and any water build up that could enter the home. The additional cut would help divert water around the south side of the building.

Commissioner Clow confirmed that the building had been built to ADA compliance standards.

CLOSED PUBLIC HEARING

Commissioner Collins supported the landscape screening plan and the plant substitutions along Vince Zunino's property line. The Grading Policy exception for an additional 6" of cut in the backyard was difficult to support because she had not approved of the original cut for the backyard. Although significant grading should not be approved to create yards, she felt the additional Grading Policy exception was necessary in this case.

Commissioner Clow supported the landscape screening plan and felt it would meet Mr. Zunino's concerns. The requested additional 6" of cut for the Grading Policy exception made sense and had his support.

Commissioner Harpootlian supported the landscape screening plan and felt accommodations had been made for the neighbors. He had not approved the original grading for the backyard. Opportunities for making changes to the plans had existed throughout the project; he could not support approval of the additional cut in the Grading Policy exception request this close to completion of construction.

Commissioner Partridge concurred with Commissioner Harpootlian. He supported the landscape screening plan but not the Grading Policy exception.

Chairman Abraham supported the landscape screening plan with the plant substitutions and the Grading Policy exception. He felt that a mistake by the project's original engineer had created the need for the additional Grading Policy.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Clow and seconded by Commissioner Collins to approve the requested Site Development Permit for the landscape screening plan as modified and Grading Policy exception for 6" of cut.

AYES: Commissioners: Clow, Collins, and Chairman Abraham
NOES: Commissioners: Partridge and Harpootlian

This item will be forwarded to a future meeting of the City Council.

- 3.3 LANDS OF MAKOWER, 14300 Miranda Road; File #118-10-ZP-SD-GD; A request for a Site Development Permit for a 5,437 square foot two story new residence with a 4,208 square foot basement which includes a 599 square foot secondary dwelling unit, a 1,326 square foot bunker, and a 671 square foot swimming pool. The applicant is also requesting a Grading Policy exception of up to 15' of cut for the basement garage, backup area, and driveway. Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for the proposed new residence with partial second floor, bunker, and swimming pool. A new driveway will gain access from both Miranda Road and La Lanne Court. The Grading Policy exception request was for up to 15' of cut for the basement garage and back-up areas, and up to 12' of cut for a portion of the driveway. Charles Wong, the adjacent neighbor to the south, had expressed concern that the new residence would interrupt his views of the bay. In response, the applicant proposed to lower portions of the roofline by up to two feet. The Beckers, neighbors across Miranda Road, had concerns about the view but now support the project with the lowered roofline. If the Planning Commission decides to approve the Site Development Permit, an additional condition of approval should be included requiring the roofline of the new residence to be lowered a minimum of up to two feet as shown on the exhibit presented by the architect. The revised plans would come to staff for review before acceptance of building plans.

OPENED PUBLIC HEARING

Josh Makower, applicant, explained that the property had been chosen for the surrounding view and the size of the home that could be built to accommodate his immediate family and large extended family. Neighborhood outreach had been conducted to meet the neighbors and share the scope of the project. After the story poles were put up, some of the neighbors expressed view concerns and he decided to lower the ceilings of the house and remove a chimney to improve view obstruction caused by the structure.

Daryl Harris, architect, said the current views on the property date from 2006 when a fire burned the buildings. To address the neighbors view concerns, the plate height was lowered to reduce the roofline up to two feet. The proposed bunker meets the Basement Ordinance definition. The Grading Policy exception would allow the garage to be underground and not visible from off site.

Charles Wong, Miranda Road, was concerned with the roofline height of the proposed residence affecting the view from the bedroom windows on the second floor of his home. He wanted the roofline lowered a total of three feet.

Sohrab Kianian, Miranda Road, appreciated the outreach conducted by the applicants and supported the application. He recalled the time at a past Planning Commission meeting, where he had raised concerns about a project that would impact his view, being told that no view ordinance was in existence. He acknowledged the present view on the applicant's site was the result of the destruction of the previous structures by fire. He encouraged the Commissioners to have an "even hand" when dealing with every applicant that comes before them.

Sandy Humphries, Fremont Road, asked, in regard to the 15 feet requested for the Grading Policy exception, if a limit would ever be put on the amount of cut that would be allowed for the wall of the basement garage and turn around area.

Chairman Abraham felt that the Planning Commission makes recommendations based on Town Ordinances.

Commissioner Clow said that each exception for cut is reviewed on a case by case and a decision made according to the situation.

Sandy Humphries was concerned that the depth of a cut could be a risk to a child at the top if they fell to the bottom or between the railings.

Commissioner Harpootlian agreed but said that for this project the retaining walls would be tiered.

Alicia Shu, Miranda Way, felt the height of the large new residence would block all the view from the northeast side of her home. She would not see the sky from her living room, only the new house. She asked that the structure be lowered up to four feet.

Commissioner Collins said that from the map, it appeared that the view from her house was at an angle in the opposite direction of the new residence.

Alicia Shu said that Commissioner Collins was probably right in a way, but the view was an open space area, on the local hilltop, and that was the skyline she saw from her house.

Commissioner Harpootlian asked if Alicia Shu had lived in her house before the La Lanne house burned down.

Alicia Shu said she had not.

Randy Harr, Miranda Way, thought the design for the new house was beautiful. He supported the cut to hide the garage and the driveway layout that prevented a large fire truck turn around area. He encouraged the Planning Commission to allow the Grading Policy exceptions.

Mary Jo Becker, Miranda Road, explained that 39 years ago when she moved into her home, she could see Mt. Hamilton, so things have changed over time. Trees have grown and residences have been built. She complimented the Makowers on their efforts to include her in their development process. Her home directly faces the new residence; with the offer to lower the height of the roofline, she heartily supports the project.

Andrea Batista, La Lanne Court, said she came to the meeting to support the Makower family because they had been kind enough to come to her home to share their house plans and explain the project. She was in favor of the new residence.

Dick Mead, Miranda Road, said there have been many changes in the 22 years he has lived in the neighborhood. He can no longer see the valley as he could when he arrived. The quality of the

neighborhood is superior today and the diversity is marvelous. The design of the Makower's new house is very well done and he supported the project.

Charles Wong, Miranda Road, said that everyone has the right to live either in a valley or on a hilltop and have a view or not.

Dianna Wong, Miranda Road, felt it was important to preserve the views; as views are what make Los Altos Hills, Los Altos Hills. She would be upset if the view she loves and enjoys was blocked.

CLOSED PUBLIC HEARING

Commissioner Clow said the water tower that was previously on the property was higher than the proposed house. He did not feel it was necessary to ask for more reduction in roofline height. He was in support of the project with the Grading Policy exception and bunker.

Commissioner Harpootlian supported the project and felt a higher structure could have been built on the property. The applicants had accommodated the neighbors with the proposed design and placement of the new residence.

Commissioner Partridge supported the project and the Grading Policy exception for the driveway and underground garage. He would support either a two or three foot reduction in the height of the house. He was concerned about the amount of grading required for the project and would like to see the bunker removed.

Commissioner Collins was more in favor of a Grading Policy exception that had tiered walls rather than straight walls. The new house was not significantly intrusive to views and the applicant has worked to make compromises with the neighbors.

Chairman Abraham felt the applicant had worked to accommodate the neighbor's view concerns. He supported the project and the Grading Policy exception for the underground garage and driveway.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Clow and seconded by Commissioner Harpootlian to approve the requested Site Development including the bunker, and Grading Policy exception per the recommended conditions of approval.

MOTION MADE AND FAILED DUE TO LACK OF SECOND: Motion made to amend the motion on the floor to remove approval of the bunker.

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None

This item will be forwarded to a future meeting of the City Council.

- 3.4 LANDS OF LOS ALTOS HILLS (APPLICANT: T-MOBILE), 26379 Fremont Road; File #92-10-CUP; A request for a Conditional Use Permit and Site Development Permit for a wireless communication facility consisting of three (3) new panel antennas to be co-located on an existing 70' tall monopine and a 184 square foot addition to an existing storage/cutting shed to enclose the associated ground equipment. CEQA Review: Categorical Exemption per Section 15301 (a) (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for the wireless communication facility proposed for co-location on the existing monopine at the Town Hall property. Two new ground equipment cabinets would be placed in a 184 square foot addition to the existing storage/cutting shed. Three new panel antennas would be installed at a height of 47 feet from grade, covered with needle socks, and painted to match the existing panels. Antennas currently on the monopine include AT&T panels and Los Altos Hills Emergency Communications Committee panels. In January 2010, the City Council approved co-location for Verizon antennas on the monopine, but the panels have not yet been installed.

OPENED PUBLIC HEARING

Talin Aghazarian, representative for T-Mobile, concurred with the conditions of approval as proposed.

Commissioner Partridge asked about the visibility of the T-Mobile antennas; they appeared to stick out further than the others on the monopine.

Talin Aghazarian replied that T-Mobile had worked closely with the Emergency Communications Committee for placement of the panels to prevent any interference with the ECC antennas. The panel antennas will be covered with needle socks.

Chairman Abraham said that he had not participated in the Emergency Communications Committee's (ECC) discussions regarding the proposed project. He believed in a previous incident, T-Mobile contractors had caused damage and failure of the ECC antenna on the monopole tree at Westwind Barn. The broken antenna was replaced with a new one purchased by the Town and installed by Verizon. He proposed an amendment to condition of approval number 12 to read "That T-Mobile shall provide no less than 24 hours notice prior to any work performed on the monopole tree by T-Mobile or any T-Mobile contractor. Notice is to be given to the town and acknowledged by the City Manager, Planning Director, or City Clerk. The 24 hour advance notice starts after the acknowledgement is received from the Town. T-Mobile shall reimburse the Town for any and all expenses created by damage caused by T-Mobile or T-Mobile's contractors. T-Mobile shall cooperate fully with inspection requests by the Town following any work performed at the site. This may include a requirement to photograph areas of the monopole tree and Town owned equipment on the monopole tree. The inspection normally will be performed immediately after the work is completed."

Talin Aghazarian had not heard about the damaged antenna incident at Westwind Barn, apologized for the problem, and said she would bring it to T-Mobile's attention.

Chairman Abraham suggested adding to the first line of condition of approval number 15, after the word “applicant”, the phrase “cooperate with the Los Altos Hills Emergency Communications Committee.”

Commissioner Partridge asked if condition of approval number 15 covered Chairman Abraham’s concerns over any future damage to the ECC’s antennas on the Town Hall monopine.

Discussion ensued regarding the suggested amendments.

CLOSED PUBLIC HEARING

MOTION MADE AND FAILED DUE TO LACK OF SECOND: Motion made by Commissioner Clow to forward a recommendation to the City Council to approve the requested Conditional Use Permit and Site Development Permit with Chairman Abraham’s proposed amendments.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion made by Commissioner Partridge and seconded by Commissioner Harpootlian to forward a recommendation to the City Council to approve the requested Conditional Use Permit and Site Development Permit with the addition of a new condition of approval stating “The applicant shall notify the Town prior to conducting work on the monopine and shall be responsible for repairing any damage to the Town’s Emergency Communications Committee’s antennas located on the monopine caused by contractors performing maintenance, alterations, or modifications to the facility.”

AYES: Commissioners: Clow, Collins, Harpootlian, Partridge, and Chairman Abraham
NOES: None

This item will be forwarded to a future meeting of the City Council.

4. OLD BUSINESS – none.

5. NEW BUSINESS – none.

6. REPORTS FROM CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for September 16 – Commissioner Harpootlian
- 6.2 Planning Commission Representative for October 21 – Commissioner Collins
- 6.3 Planning Commission Representative for November 18 – Commissioner Clow

7. APPROVAL OF MINUTES

- 7.1 Approval of September 2, 2010 minutes.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Clow and seconded by Commissioner Partridge to approve the September 2, 2010 minutes with the following corrections to page 5, the last line of the last paragraph to read: chances for

resident's input on proposed projects from all areas except Fast Track. She was not sure that was a good idea. She felt that people were only seeing half of what used to be in the Guide. The Fast Track meetings were still being held at a time that was inconvenient for most people to attend (daytime instead of evening as in the past).

AYES: Commissioners: Clow, Collins, Partridge, and Chairman Abraham
ABSTAIN: Commissioner Harpootlian
NOES: None

8. REPORTS FROM SITE DEVELOPMENT MEETINGS – SEPTEMBER 21 AND OCTOBER 5, 2010

8.1 LANDS OF SOMASUNDARAM, 12244 Windsor Court; File #37-10-ZP-SD; A request for a Site Development Permit for landscape screening for a 5,509 square foot two story new residence and 351 square foot accessory building approved on November 4, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz) (approved with conditions).

8.2 LANDS OF KAMB AND KOSACZ, 28140 Story Hill Lane; File #136-10-ZP-SD. A request for a Site Development Permit for a new 800 square foot swimming pool. CEQA review: Categorical Exemption per Section 15303 (e) (staff-Nicole Horvitz) (approved with conditions).

9. ADJOURNMENT

The meeting was adjourned by consensus at 10:12 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary